

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BIONIX DEVELOPMENT CORPORATION,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 07-cv-4465
	:	
SKLAR CORPORATION,	:	
	:	
Defendant.	:	

**ORDER**

AND NOW, this 14th day of October, 2009, upon consideration of Defendant's Motion to Dismiss Count II of Plaintiff's Second Amended Complaint for Failure to State a Claim (Doc. No. 99), and responses thereto (Doc. Nos. 108, 114, 117), it is ordered that the Motion is DENIED in part and GRANTED in part for reasons set out in the attached Memorandum. Plaintiff's claim of Fraudulent Misrepresentation is DISMISSED with prejudice.

It is further ORDERED that the stay on discovery is lifted. Further, Defendant SHALL have fourteen (14) days from the entry of this order to respond to Plaintiff's Motion to Compel (Doc. No. 102).

BY THE COURT:

s/J. Curtis Joyner

J. CURTIS JOYNER, J.